

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN

Case Caption: James F. Yarbrow
Case Number: 4:02-cv-170

Judge: Gordon J. Quist

To: James F. Yarbrow

NOTICE REGARDING NEW CASE and PUBLIC ACCESS

The United States District Court for the Western District of Michigan allows attorneys in civil cases to file and retrieve documents from any location over the Internet using the Court's NEW Case Management/Electronic Case Files (CM/ECF) docketing system. This district is a leader in electronic filing and is proud to be one of the first Courts to accept electronic filing over the Internet. The CM/ECF system provides the bench, the bar and the public unprecedented electronic access to up-to-the-minute docket sheets as well as to the documents themselves.

This recently-filed action has now been entered into the CM/ECF system. Current information on this case is now available through Public Access to Court Electronic Records (PACER) or via the Court's web site (www.miwd.uscourts.gov). For those counsel receiving this notice via U.S. mail, a PACER brochure and an e-filing registration form are enclosed for your information.

Electronic Filing (see Local Civil Rule 5.7) While electronic filing is not mandatory, the Court encourages electronic filing and will discuss the parties' readiness for electronic filing at the Rule 16 conference. The first document filed by each attorney must contain a legend, following the attorney's signature, in which the attorney indicates whether or not the attorney agrees to electronic service in that case (see Local Civil Rule 5.7(h)(iii)).

The CM/ECF system is capable of accepting electronic filings over the Internet. **The Court has determined that all civil cases filed on or after August 1, 2001 will be maintained electronically in the CM/ECF system. All documents that are filed on paper will be scanned by the Clerk's office and placed into the CM/ECF system for electronic access.**

You should be aware that any subscriber to PACER will be able to read, download, store and print the full content of all documents filed in this matter, whether they are filed on paper or electronically. The Court will not make electronically available documents that have been sealed or otherwise restricted by Local Rule or Court order.

You should not include certain types of sensitive information in any document filed with the Court unless such inclusion is necessary and relevant to the case. Any personal information available in the documents filed will be available over the Internet via PACER. If personal identifying information must be included in the filing (i.e., Social Security numbers, financial account numbers, dates of birth and the names of minor children) it must be redacted from the pleading, whether it is filed traditionally or electronically.

In addition, you should be aware that documents containing sensitive information, such as the following:

- other personal identifying numbers (e.g., driver's license number)
- medical records, treatment and diagnosis
- employment history
- individual financial information
- proprietary or trade secret information

will be available to the public over the Internet. Counsel should therefore be careful to file only such documents as are necessary to the case. Counsel are strongly urged to share this notice with their clients so that an informed decision about the inclusion, redaction and/or exclusion of certain materials may be made.

Court Orders and Notices The Court will issue its orders and notices electronically to all registered counsel. The Court will send its orders and notices through regular U.S. mail to all counsel who have not registered. Parties who are not represented by counsel will be sent Court orders and notices through regular U.S. mail.

Service of Documents

Documents filed on paper by non-registered attorneys and pro se parties. All documents filed with the Court on paper must be served on other parties on paper in the traditional manner pursuant to the applicable Federal and Local Rules.

Documents filed on paper by registered attorneys. When a registered attorney does not use the electronic filing capabilities of the system and instead files documents with the Court on paper, the attorney must serve those documents in the traditional manner pursuant to the applicable Federal and Local Rules. Scanning of your documents by the Court and the resulting electronic notice by the Court does not constitute service upon the other parties in the case.

Documents filed electronically. When a document is filed electronically, the Notice of Electronic Filing will indicate which counsel have been notified electronically. Notification electronically of another party's filing, however, does not necessarily constitute service. It is incumbent upon the filing party to determine whether the opposing counsel has consented to electronic service. If opposing counsel has consented to electronic service, no further service upon them is necessary. If opposing counsel has not consented to electronic service, then the document must be served upon that counsel on paper in the traditional manner pursuant to the applicable Federal and Local Rules. Local Civil Rule 5.7(h)(iii) defines the procedure for the method of consenting.

Help Desk The Clerk's Office has established an Electronic Filing Help Desk to answer questions and to provide assistance should difficulties arise. The Help Desk can be reached by phone at (616) 456-2206 or toll-free at (800) 290-2742, or via e-mail at ecfhelp@miwd.uscourts.gov. The Help Desk is staffed weekdays from 8:00 a.m. until 5:00 p.m.

Additional Information Additional information and materials are available on the Court's website (www.miwd.uscourts.gov). On the website, you will find Local Civil Rule 5.7, an electronic filing registration form, an on-line tutorial, a User's Guide, FAQ's and more.

**Ronald C. Weston, Sr.
Clerk of Court**